

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

**JOHN MEZZALINGUA ASSOCIATES, INC.,
D/B/A PPC**

Plaintiff,

v.

THOMAS & BETTS CORPORATION

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff John Mezzalingua Associates, Inc., which conducts business in the telecommunications industry as PPC ("PPC"), through its undersigned attorneys, hereby states its Complaint against Defendant Thomas & Betts Corporation ("T&B") as follows:

NATURE OF THIS ACTION

1. This is a civil action for the infringement of United States Patent No. 7,828,595 ("the '595 Patent") under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

PARTIES

2. Plaintiff John Mezzalingua Associates, Inc., which does business under the name PPC, is a Delaware corporation with its principal place of business at 6176 E. Molloy Road, East Syracuse, New York 13057.

3. Upon information and belief, Defendant Thomas & Betts Corporation is a Tennessee corporation with its principal place of business at 8155 T&B Boulevard, Memphis, Tennessee 38125.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a), and 35 U.S.C. § 281.

5. This Court has personal jurisdiction over the Defendant because, upon information and belief, the Defendant has conducted business and commercial activities in this District and elsewhere in the United States, and/or committed acts of patent infringement in this District and elsewhere in the United States.

6. This Court also has personal jurisdiction over the Defendant because, among other things, Defendant has established minimum contacts within the forum such that the exercise of jurisdiction over Defendant will not offend traditional notions of fair play and substantial justice. On information and belief, Defendant has placed products that practice the claimed invention of the '595 Patent into the stream of commerce with the reasonable expectation and/or knowledge that purchasers and users of such products were located within this judicial district. On information and belief, Defendants sold, advertised, marketed, and distributed in this judicial district products that practice the claimed invention of the '595 Patent.

7. Venue is proper in this District under 28 U.S.C. §§ 1391(b), 1391(c), and/or 1400(b).

THE PPC PATENT-IN-SUIT

8. On November 9, 2010, the U.S. Patent and Trademark Office ("USPTO") issued the '595 Patent, entitled "Connector Having Conductive Member And Method Of Use Thereof," to PPC.

9. PPC is the lawful owner of all rights, titles, and interests in the '595 Patent, including the right to sue for patent infringement.

10. The application that eventually issued as the '595 Patent, U.S. Patent Application No. 12/397,087 ("the '087 Application"), was published by the USPTO on July 9, 2009 as U.S. Publication No. US 2009/0176396 A1 ("the '396 Publication").

11. The invention as claimed in the '595 Patent is substantially identical to the invention as claimed in the published patent application, the '396 Publication.

COUNT 1

(PATENT INFRINGEMENT OF U.S. PATENT NO. 7,828,595)

12. PPC repeats and realleges the allegations contained in Paragraphs 1 through 11 above as if fully set forth herein.

13. Upon information and belief, T&B has been and is now directly infringing, contributorily infringing, and/or inducing infringement of at least one claim of the '595 Patent, within the meaning of 35 U.S.C. § 271(a)-(c), by making, using, importing, offering for sale, or selling coaxial cable compression connectors, including its model SNC6U continuity connector, either directly or through established distribution channels, without authority or license from PPC.

14. T&B had actual notice of the invention as claimed in the published patent application, the '396 Publication, by July 9, 2009.

15. Despite being actually notified of the invention as claimed in the '396 Publication, T&B continued to make, use, import, offer for sale, and/or sell, either directly or through established distribution channels and without authority or license from PPC, coaxial cable compression connectors, including its model SNC6U continuity connector, that infringe the '595 Patent.

16. T&B's infringement of the '595 Patent was deliberate and willful.

17. PPC has been damaged by T&B's infringement of the '595 Patent.

PRAYER FOR RELIEF

WHEREFORE, PPC respectfully requests that this Court enter judgment against each of the Defendants, granting PPC the following relief:

- A. a declaration and entry of judgment that T&B has infringed the '595 Patent;
- B. an accounting of all damages resulting from T&B's infringement of the '595 Patent;
- C. an award of damages adequate to compensate PPC for T&B's infringement of the '595 Patent;
- D. a determination that T&B's infringement of the '595 Patent has been willful and deliberate;
- E. an award of treble damages for T&B's willful and deliberate infringement of the '595 Patent;
- F. an award of interest on the amount of damages found, including pre-judgment and post-judgment interest;
- G. an injunction against future infringement by T&B, its officers, agents, servants, employees, and all those in concert or participation with T&B who receive

actual notice, from engaging in acts of infringement of the '595 Patent, in accordance with 35 U.S.C. § 283;

- H. a determination that this is an exceptional case pursuant to 35 U.S.C. § 285, thereby entitling PPC to an award of its costs, expenses, and attorneys' fees incurred prosecuting this action; and
- I. such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

PPC demands a trial by jury of all issues so triable.

Respectfully submitted:

Date: November 9, 2010

GERMER GERTZ, LLP

By: /s/ Charles W. Goehringer, Jr.

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Pro Hac Vice To Be Filed

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